

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALFONSO LOWE, SR.,

Plaintiff,

v.

Case No. 05-C-637

TRAMONT CORP. and
WILLIAM MENZEL,

Defendants.

ORDER

Pro se plaintiff Alfonso Lowe has filed a complaint against the named defendants alleging they violated his rights under the Title VII. Specifically, Lowe complains he is being harassed because of his race and sex. Presently before the court is Lowe's motions to proceed *in forma pauperis*.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *See Neitzke v. Williams*, 490 U.S. 319, 327 (1989). The court may not authorize a litigant to proceed *in forma pauperis* until it determines the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). If the court concludes the litigant is unable to pay the costs of commencing the action, the court must then determine the action is neither frivolous nor malicious, does not fail to state a

claim upon which relief may be granted, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

Here, the court cannot yet conclude Lowe is unable to pay the \$250.00 fee for this lawsuit. Lowe informs the court he currently receives workers' compensation payments, but he does not make it clear how much he has already received in compensation during the past 12 months *and* how much he expects to receive in the future. At a minimum, Lowe needs to tell the court when he first started receiving payments and when the payments will stop. Also, if he receives payments on a regular basis (*e.g.*, monthly) he needs to tell the court how often he receives the payments and the amount of each payment. Without this information, the court is simply not in a position to waive the filing fee. As such, Lowe's petition for leave to proceed *in forma pauperis* must be denied.

Lowe has five (5) days from the date of this order to either pay the \$250.00 fee or file another petition for leave to proceed *in forma pauperis* which details the information requested above.

Accordingly,

IT IS ORDERED that Lowe's petition for leave to proceed *in forma pauperis* (Docket #4) be and the same is hereby DENIED; and

IT IS FURTHER ORDERED that Lower either pay the \$250.00 fee for this action or file another petition for leave to proceed *in forma pauperis* which

contains the information mentioned above within five (5) days from the date of this order; otherwise, the court will be obliged to dismiss this action without prejudice and without further notice.

Dated at Milwaukee, Wisconsin this 15th day of June, 2005.

BY THE COURT:

s/J. P. Stadtmueller
J. P. Stadtmueller
U.S. District Judge